

REMARKS

Applicant has studied the Office Action dated July 30, 2007. Claims 1 and 3-22 are pending. Claims 1, 3, 13, 14, and 20 have been amended and claim 2 has been canceled without prejudice. Claims 21-22 are new. Claims 1, 12, and 20 are independent claims. No new matter has been added as the amendments have support in the specification as originally filed. In particular, support for amendments to claims 3 and 14 and new claims 21-22 can be found at, for example, page 8 in the specification and FIGS. 5 and 6 in the drawings.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Objection to Specification

The disclosure was objected to due to informalities and the Examiner required appropriate clarification and/or correction.

Amendments have been made to the specification at paragraphs [0025] and [0026] to more clearly disclose the invention and to correct informalities that are the basis for objections to the specification. No new matter has been added as the amendments have support in the specification and drawings as originally submitted. In particular, support for "300°" and "270°" positions in the amended specification can be found at, for example, paragraphs [0021], [0025], and [0026] in the specification and FIGS. 5 and 6 in the drawings.

It is respectfully requested that the objection be withdrawn.

§112 Rejections

Claims 3 and 14 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 3 and 14 were also rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 3 and 14 have been amended to more clearly disclose the invention and to address the Examiner's concerns that are the basis for the rejections.

Accordingly, it is respectfully submitted that the grounds for the rejection have been overcome and it is respectfully requested that the Examiner withdraw the rejection.

§102 Rejection

Claims 1, 2, 4, and 20 were rejected under 35 U.S.C. §102 (e) as being anticipated by Vance et al. ("Vance" US 6,992,699). Applicant respectfully disagrees with the Examiner's interpretation of Vance and respectfully traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

With this paper, claim 2 has been canceled without prejudice. It is, therefore, respectfully submitted that the rejection is moot with respect to claim 2 and it is respectfully requested that the rejection be withdrawn.

With regard to the rejections of independent claims 1 and 20, it is respectfully noted that the Examiner asserts, at paragraph 7 of the Office action, that Vance discloses "a photographic apparatus rotatively connected to the terminal."

Applicant strongly disagrees with the Examiner. Applicant has reviewed the Vance reference thoroughly to confirm the Examiner's assertion that Vance discloses "a photographic apparatus rotatively connected to the terminal." However, contrary to the Examiner's assertion, it is respectfully submitted that nowhere in Vance does it disclose a photographic apparatus rotatively connected to the terminal. It is noted that Vance merely discloses a camera device having first and second light apertures in front and back sides of the device (column 1, lines 47-52, and FIG. 2 and 3). Applicant recognizes that Vance discloses a rotating mirror assembly 52 (column 3, line 33). However, mirror assembly 52 is not a photographic apparatus, as required by claims 1

and 20. Therefore, Vance fails to disclose or suggest a photographic apparatus rotatively connected to the terminal as recited in claims 1 and 20.

Accordingly, it is respectfully asserted that independent claims 1 and 20 are allowable over the cited reference. It is further respectfully asserted that claim 4, which depends from claim 1, also is allowable over the cited reference.

§103 Rejections

Claims 12, 13, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vance in view of Official Notice ("ON"). Applicant respectfully disagrees with the Examiner's interpretation of Vance and respectfully traverses the rejection.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. 'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned." (citations omitted.)

With regard to the rejection of independent claim 12, it is respectfully noted that the Examiner asserts, at paragraph 9 of the Office action, that Vance discloses a mobile communication terminal comprising "a photographic apparatus rotatively connected to the terminal." It is further respectfully noted that the Examiner asserts that although Vance does not disclose that the image is inverted when magnetic flux is not detected, it is a well-known design choice to reverse the parts; in this case to allow image inversion when magnetic flux is not detected, citing MPEP 2144.04 [R-1] (VI)(A). However, Applicant respectfully submits that no reversal of parts is found in regard to the magnetic flux sensor recited in claim 12 since there is no other part

which can be reversed with the magnetic flux sensor. Therefore, inversion of an image when the magnetic flux sensor does not detect the magnetic flux, as recited in claim 12, is not obvious over inversion of an image when the magnetic flux sensor detects the magnetic flux.

Moreover, as discussed above, it is respectfully submitted that Vance fails to disclose or suggest a photographic apparatus rotatively connected to the terminal as recited in claim 12. However, ON fails to cure the deficiencies of Vance in regard to the photographic apparatus rotatively connected to the terminal.

Therefore, it is respectfully submitted that Vance and ON, independently or in combination, fail to arrive at the presently claimed invention. Accordingly, it is respectfully asserted that independent claim 12 is allowable over the cited combination of references. It is further respectfully asserted that claims 13 and 15, which depend from claim 12, also are allowable over the cited combination of references.

Claims 5-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vance in view of Kim (US 6,882,726). Applicant respectfully disagrees with the Examiner's interpretation of Vance and respectfully traverses the rejection.

As discussed above, claim 1 is believed to be allowable over Vance since Vance fails to disclose or suggest a photographic apparatus rotatively connected to the terminal as in the presently claimed invention. It is respectfully noted that Kim has been cited by the Examiner for disclosing a folder-type terminal. However, Kim fails to cure the deficiencies of Vance in regard to the photographic apparatus rotatively connected to the terminal.

Therefore, it is respectfully submitted that Vance and Kim, independently or in combination, fail to arrive at the presently claimed invention. Accordingly, it is respectfully asserted that claims 5-9, which ultimately depend from claim 1, also are allowable over the cited combination of references.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Vance in view of Kim, and in further view of ON. Applicant respectfully disagrees with the Examiner's interpretation of Vance and respectfully traverses the rejection.

As discussed above, claim 1 is believed to be allowable over Vance since Vance fails to disclose or suggest a photographic apparatus rotatively connected to the terminal as in the presently claimed invention. It is respectfully noted that ON has been cited by the Examiner for purportedly disclosing that it is well-known to connect two materials (the magnet and the photographic apparatus) with an adhesive. However, ON fails to cure the deficiencies of Vance in regard to the photographic apparatus rotatively connected to the terminal.

Therefore, it is respectfully submitted that Vance and ON, independently or in combination, fail to arrive at the presently claimed invention. Accordingly, it is respectfully asserted that claim 10, which ultimately depends from claim 1, is allowable over the cited combination of references.

Claims 16-19 were rejected under U.S.C. §103(a) as being unpatentable over Vance in view of ON, and in further view of Kim.

As discussed above, claim 12 is believed to be allowable over the combination of Vance and ON since they fail to disclose or suggest a photographic apparatus rotatively connected to the terminal as in the presently claimed invention. It is respectfully noted that Kim has been cited by the Examiner for disclosing a folder-type terminal. However, Kim fails to cure the deficiencies of Vance in regard to the photographic apparatus rotatively connected to the terminal.

Therefore, it is respectfully submitted that Vance, ON, and Kim, independently or in combination, fail to arrive at the presently claimed invention. Accordingly, it is respectfully asserted that claims 16-19, which ultimately depend from claim 12, are allowable over the cited combination of references.

Double Patenting Rejection

Claims 1 and 4 were rejected as being directed to the same invention as that of claim 1 of US Patent 7,215,355. Claims 1 and 4 were also rejected under U.S.C. §101 as claiming the same invention as that of claim 4 of US Patent 7,215,355.

With this paper, claim 1 has been amended by incorporating features of claim 2, and therefore, it is believed that the presently claimed invention according to claim 1, as amended, and claim 4, which depends from claim 1, is not directed to the same invention as that of claim 1 or 4 of US Patent 7,215,355. Accordingly, it is respectfully requested that the rejection be withdrawn.

Allowable Subject Matter

Applicant graciously acknowledges the Examiner's indication of allowable subject matter in claim 11.

Claim 11 ultimately depends from claim 1, and it is believed that independent claim 1 is allowable over the cited references. Therefore, claim 11 is allowable by the virtue of allowable base claim, and has not been rewritten in independent form as suggested by the Examiner.

New Claims

With this paper, new claims 21-22 have been added. It is respectfully submitted that the new claims have support in the application as originally filed. No new matter has been inserted into the application. Accordingly, entry of the new claims to the application is respectfully requested.

It is believed that new claims 21 and 22, which depend from allowable claims 1 and 12, respectively, also are allowable for the same reasons given herein for the allowability of claims 1 and 12, respectively.

CONCLUSION

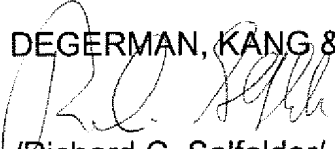
In view of the above remarks, Applicant submits that the present application is in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

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